UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,353	02/10/2006	Terje Moldestad	P17015-US1	2578

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
NG, FAN

ART UNIT	PAPER NUMBER
2416	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2 and 4-8* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) *2, 4-8* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 03/12/2009 have been fully considered, and Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Response to amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuehnel (2004/0202148) and Li et al. (20040213205).

Regarding to claim 2, Kuehnel teaches stacking the data frame with at least one inner MPLS label uniquely addressing a PCM system within the second circuit switched node **(Fig. 2, data is from circuit network go through packet network than back to the destination circuit network (second circuit switched node), (fig. 4B, #S15 is non-packet network which is the second circuit switch node). Fig. 1, the first packet #5**

is inter label specify the address of destination, see [0011 and 0045]) and at least

one outer MPLS label identifying a fixed path of consecutive packet switched nodes

within the packet switched network **([0008]: outer label is added to specify the fixed**

path, fig. 2, between #11, #17 is packet network), said outer label includes addresses

of all the packet switched nodes included in the fixed path in addition to an address of

the second circuit switched node **([0008]: "the label identifies the path throughout**

the network", which means all nodes in the path is identified. And [0045]). And in

the second circuit switched node, removing the outer MPLS label **(fig. 4B, #S11, outer**

label is removed) and transferring the time slots to the PCM system addressed by the

inner label **(fig. 4B, #S15a, packet is send to circuit switching network)**. Kuehnel

doesn't teach to use TDM as transmission protocol, but Li teaches use TDM to divide

data into slots **([0029])** and how transfer these slots into PCM system **(Fig. 3, [0007])**.

Thus, it would have been obvious for one of ordinary skill in the art to implement Li into

Kuehnel, since both arts are in the same field of endeavor and Kuehnel teaches an

MPLS method to tunnel the data with a fixed path, and Li suggest and TDM

transmission protocol into a PCM transmission link. The reason to combine is TDM

protocol is well know in the art, thus tunneling method (MPLE) can be apply to any

transmission protocols such as CDMA, OFDM, TDM etc.

Regarding to claim 4, Kuehnel and Li teach the method according to claim 2, comprising

the step of: Kuehnel teaches in the first node, including the address of the first packet

switched node of the fixed path as the outer label **(fig. 1, #7 is the outer label, which**

must contain the address of first switched node, and shown in fig. 2, otherwise

the packet do not know where to go), and, in each of the consecutive packet

switched nodes, exchanging the content of the outer label with the address of the

packet switched node following current packet switched node **([0008]: this is the**

general concept of label switching, and [0018]: each MPLS converter assign label

accounting to the IP packet header fig. 1, #5).

Regarding to claim 5, Kuehnel and Li teach the method according to claim 2, Kuehnel

teaches wherein that the first and the second circuit switched nodes are Label Edge

Routers (LERs) **(fig. 2, #11, 17, [0033] and [0026])** and the packet switched nodes are

Label Switched Routers (LSRs) **(fig. 2, #15, MPLS converter switch label thus it is a**

label switch router, [0018]).

Regarding to claim 6, Kuehnel and Li teach method according to claim 2, Kuehnel

teaches wherein that the circuit switched connection is a 64 kbits **([0004])** connection

and the number of time slots in the data frame is 32 or 24.

However, it is generally considered to be within the ordinary skill in the art to adjust,

vary, select or optimize the numerical parameters or values of any system absent a

showing of criticality in a particular recited value. The burden of showing criticality is on

Appellant.) In re Mason, 87 F.2d 370, 32 USPQ 242 (CCPA 1937); Marconi Wireless

Telegraph Co. v. U.S., 320 U.S. 1, 57 USPQ 471 (1943); In re Schneider, 148 F.2d 108,

65 USPQ 129 (CCPA 1945); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1955); In

re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974); In re Antonie, 559 F.2d 618, 195

USPQ 6 (CCPA 1977); In reBoesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

using the above parameters or values since it is generally considered to be within the

ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or

values of any system absent a showing of criticality in a particular recited value.

Regarding to claim 7, Kuehnel and Li teach the method according to claim 2, Kuehnel

teaches wherein the first circuit switched node and the second circuit switched node are

exchanges in a public telephone network **([0008])**.

Regarding to claim 8, Kuehnel and Li teach Method according to claim 2, Kuehnel

teaches wherein that the circuit switched connection is a real-time connection like a

telephone call connection **([0004])**.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fan Ng whose telephone number is (571) 270-3690.

The examiner can normally be reached on Monday-Friday; 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. N./
Examiner, Art Unit 2416

/Chi H Pham/
Supervisory Patent Examiner, Art
Unit 2416
5/26/09